

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM STANFORD, JR., individually and on behalf
of all other similarly situated persons and on behalf of
the Foamex L.P. Savings Plan,
Plaintiff,

v.

FOAMEX L.P., *et al.*,
Defendants.

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: CIVIL ACTION
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: No. 2:07-cv-4225
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Order

AND NOW on this 31st day of August, 2010, upon consideration of the motion for partial summary judgment of plaintiffs (Docket No. 114) regarding the counterclaims of defendants K. Douglas Ralph, Gregory J. Christian, George L. Karpinski, and Stephen Drap (the “Committee Defendants”) and defendant Fidelity Management Trust Co. (“Fidelity”), the Committee Defendants’ opposition to plaintiffs’ motion and cross-motion for partial summary judgment regarding their counterclaim (Docket No 121), Fidelity’s opposition to plaintiffs’ motion and cross-motion for partial summary judgment on its counterclaim (Docket No. 127), and the parties’ additional memoranda, **IT IS HEREBY ORDERED** that:

- (1) plaintiffs’ motion for partial summary judgment is **DENIED**;
- (2) the motions for partial summary judgement of the Committee Defendants and Fidelity are **GRANTED** and judgment is **ENTERED** against plaintiffs and in favor of the Committee Defendants (K. Douglas Ralph, Gregory J. Christian, George L. Karpinski, and Stephen Drap), Foamex L.P., and Fidelity Management Trust Co. on defendants’ counterclaims; and

- (3) Paragraph 10 of Amendment No. 4 to the Foamex L.P. Savings Plan (having been drafted in error) is reformed to eliminate the words “or out of” from the sentence “Effective July 20, 2005, a Member may no longer direct new investments into, or transfer existing investments into or out of, the Foamex Stock Fund.”

/s/ William H. Yohn, Jr.

William H. Yohn Jr., Judge